



Investing in People for Social & Economic Justice

Position Paper on the Financial Adjustment Bill of 2019

Whilst Section 307 (1) of the Constitution of Zimbabwe provides for the Minister of Finance to introduce a Bill into the National Assembly seeking condonation of the unauthorised expenditures expended on a purpose other than was appropriated to or that money has been expended on a purpose for which no money was appropriated, the Financial Adjustment Bill of 2019 is in violation of sub section (2) of the same section which compels the Minister of Finance and Economic Development to introduce into the National Assembly without delay and in any event no later than sixty days after the extent of the unauthorised expenditure has been established. ZIMCODD is therefore concerned that the Bill is being brought before Parliament more than 4 years after some of the unauthorised expenditures were incurred. Further to this, Section 85 of the Public Finance Management Act of 2009 classifies unauthorised expenditure, irregular expenditure or fruitless and wasteful expenditure as financial misconduct. It is therefore salient for the Financial Adjustment Bill to provide comprehensive information besides the amount and the Ministry involved. This information will be important in identifying whether the public officials in question wilfully or negligently make or permitted any irregular expenditure or fruitless and wasteful expenditure which warrant investigation, hearing and being disposed of in terms of the statutory or other conditions of appointment or employment applicable to that accounting officer, authority, person or employee, and any regulations prescribed by the Minister in terms of section 88 of the Public Finance Management Act.

This position paper is premised on an understanding of the role of Parliament as provided for in Section 119 of the Constitution of Zimbabwe which provides as follows:

“(1) Parliament must protect this Constitution and promote democratic governance in Zimbabwe.

(2) Parliament has power to ensure that the provisions of this Constitution are upheld and that the State and all institutions and agencies of government at every level act constitutionally and in the national interest.

(3) For the purposes of subsection (2), all institutions and agencies of the State and government at every level are accountable to Parliament.”

It is against this background that ZIMCODD is making the following submission to parliament;

1. Ordinarily, the Financial Adjustment Bill of 2019 is in violation of the Constitution of Zimbabwe on the basis of the timeframe in which the Bill is being tabled before the House of Assembly;
2. While the responsibility to seek condonation lies with the Minister responsible for Finance, the burden to give justification to the condonation must remain with the specific ministry or government entity responsible for the unauthorised expenditure. Decentralisation of this responsibility will also help in the provision of timely, reliable and adequate information regarding the reasons behind the unauthorised expenditure, the public officials involved and appropriate action taken internally against irregular, fruitless, wasteful and unauthorised expenditures;
3. The responsible Ministries and Government departments must submit detailed reports to Parliament, requesting for condonation for non-compliance with the Public Finance Management Act and the Constitution of Zimbabwe;

4. The Bill in question is nothing more than a list of government departments and amounts involved. This is insufficient information to give Parliament and Zimbabwean citizens to make an informed decision. A submission for Condonation must contain a detailed motivation as to why the irregular expenditure in question must be considered for condonation and a description of remedial steps taken to avoid the reoccurrence of the type of irregular expenditure in question; the case in point demonstrates that during the period in question, various line ministries and government departments have developed a culture of non-compliance. Unconditional condonation will perpetuate this culture.
5. Any form of unauthorised expenditure, irregular expenditure or fruitless and wasteful expenditures must be investigated and disciplinary sanctions imposed on public officials involved in financial misconduct consistent with section 88 of the Public Finance Management Act of 2019; and,
6. The Condonation Bill must also provide for recovery of losses and damages from public officials liable in law resulting from unauthorised expenditure, irregular expenditure or fruitless and wasteful expenditures.
7. ZIMCODD strongly believes that role of Parliament in protecting the Constitution should be exercised in the interest of safeguarding public resources. would like to emphasise here the role of Parliament to protect the Constitution of Zimbabwe.

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